

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CANDACE SMITH,

Plaintiff,

v.

OLUSSEYI AYODELE,

Defendant.

Case No. 1:24-cv-01562-BAM

ORDER STRIKING UNSIGNED AMENDED
COMPLAINT (Doc. 3)

ORDER REQUIRING PLAINTIFF TO FILE A
SIGNED AMENDED COMPLAINT WITHIN
THIRTY DAYS

THIRTY (30) DAY DEADLINE

Plaintiff Candace Smith is proceeding pro se and in forma pauperis in this civil action. Plaintiff Smith filed a complaint in this action on December 18, 2024, (Doc. 1), and a first amended complaint on January 8, 2025, (Doc. 3).

Upon review, the Court notes that the first amended complaint is not signed by Plaintiff Smith. Both the Federal Rules of Civil Procedure and this Court's Local Rules require that all filed pleadings, motions, and papers be signed by the party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). Since Plaintiff Smith's first amended complaint is unsigned, the Court must strike it from the record. Plaintiff Smith will be permitted thirty (30) days to file a signed amended complaint that complies with the Federal Rules of Civil

1 Procedure and the Local Rules. Alternatively, Plaintiff Smith (1) may notify the Court that she
2 does not intend to file an amended complaint and wishes to stand on her original complaint or (2)
3 file a notice of voluntary dismissal of this action.

4 Based on the foregoing, it is HEREBY ORDERED that:

5 1. Plaintiff's first amended complaint filed on January 8, 2025, (Doc. 3), is
6 STRICKEN from the record for lack of signature.

7 2. Within **thirty (30) days** from the date of service of this order, Plaintiff SHALL file
8 either (1) a signed amended complaint; (2) a notice that she does not intend to file an amended
9 complaint and wishes to stand on her original complaint filed on December 18, 2024 (Doc. 1); or
10 (3) a notice of voluntary dismissal.

11 3. No extension of time will be granted without a showing of good cause.

12 4. **Plaintiff is warned that the failure to comply with this order will result in a**
13 **recommendation for dismissal of this action for failure to prosecute and failure to obey a**
14 **court order.**

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16 IT IS SO ORDERED.

17 Dated: February 4, 2025

/s/ Barbara A. McAuliffe
18 UNITED STATES MAGISTRATE JUDGE
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